

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 576 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 28-7-5-16, AS AMENDED BY P.L.57-2006,
4 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]: Sec. 16. (a) The licensee shall keep and use in his
6 business such books, accounts, and records as will enable the
7 department to determine whether the licensee is complying with this
8 chapter and with the rules adopted by the department under this
9 chapter. Every licensee shall preserve such books, accounts, and
10 records, including cards used in the card system for at least two (2)
11 years after making the final entry on any loan recorded therein. The
12 books and records of the licensee shall be kept so that the pawnbroking
13 business transacted in Indiana may be readily separated and
14 distinguished from the business of the licensee transacted elsewhere
15 and from any other business in which the licensee may be engaged. To
16 determine whether the licensee is complying with this chapter and with
17 rules adopted by the department under this chapter, the department may
18 examine the books, accounts, and records required to be kept by the
19 licensee under this subsection. If the department examines the books,
20 accounts, and records of the licensee under this subsection, the licensee
21 shall pay all reasonably incurred costs of the examination in
22 accordance with the fee schedule adopted under IC 28-11-3-5.
23 (b) If a pawnbroker, in the conduct of the business, purchases an
24 article from a seller, the purchase shall be evidenced by a bill of sale

properly signed by the seller. All bills of sale must be in duplicate and must recite the following separate items:

- (1) Date of bill of sale.
- (2) Amount of consideration.
- (3) Name of pawnbroker.
- (4) Description of each article sold. However, if multiple articles of a similar nature that do not contain an identification or serial number (such as precious metals, gemstones, musical recordings, video recordings, books, or hand tools) are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any other unique identifying marks, numbers, names, letters, or special features.
- (5) Signature of seller.
- (6) Address of seller.
- (7) Date of birth of the seller.
- (8) The type of **United States or state** government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification, and the identification number present on the **United States or state** government issued identification.

(c) If a pawnbroker, in the conduct of the business, purchases an article from a seller on the condition of selling the property back at a stipulated price, the transaction shall be evidenced by a bill of sale properly signed by the seller. All such bills of sale must be in duplicate and recite the information in subsection (b) and must also contain the following information:

- (1) Date of resale.
- (2) Amount of resale.

(d) The original copy of the bill of sale shall be retained by the pawnbroker. The second copy shall be delivered to the seller by the pawnbroker at the time of sale. The heading on all bill of sale forms must be in boldface type.

(e) Each licensee shall maintain a record of control indicating the number of accounts and dollar value of all outstanding pawnbroking receivables. Each licensee shall maintain a separate record of transactions subject to subsection (c).

SECTION 2. IC 28-7-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Every pawnbroker shall keep a record in ink that must include the following:

- (1) The name, date of birth, and address of the pledger, or where the pledge is made by a person acting as agent for a disclosed principal, the names, dates of birth, and addresses of principal and agent.
- (2) The date of the transaction.

(3) The amount of the loan.

(4) The article or articles pledged and a description of the articles. However, if multiple articles of a similar nature that do not contain an identification or serial number (such as precious metals, gemstones, musical recordings, video recordings, books, or hand tools) are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any other unique identifying marks, numbers, names, letters, or special features.

(5) The serial number of the loan.

(6) The date on which each loan was paid in full, renewed, or unredeemed.

(7) An itemization of principal, interest, and additional fees collected.

(8) An itemization of fees authorized under IC 28-7-5-25.

(9) The total of all charges collected.

(10) The type of **United States or state** government issued identification used to verify the identity of the seller, together with the name of the governmental agency that issued the identification, and the identification number present on the **United States or state** government issued identification.

(b) Other methods of recording data, such as electronic or computerized methods, may be used provided written printouts or hard copies of the required data are readily available. The record keeping system of a licensee shall be made available in Indiana for examination. The department shall determine the sufficiency of the records and whether the licensee has made the required information reasonably available.

SECTION 3. IC 28-7-5-21, AS AMENDED BY P.L.217-2007, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) The pawnbroker shall, at the time of making a loan, deliver to the pledger or the pledger's agent a memorandum or ticket on which shall be legibly written or printed the following information:

(1) The name of the pledger.

(2) The name of the pawnbroker and the place where the pledge is made.

(3) The article or articles pledged, and a description of the articles. However, if multiple articles of a similar nature that do not contain an identification or serial number (such as precious metals, gemstones, musical recordings, video recordings, books, or hand tools) are delivered together in one (1) transaction, the description of the articles is adequate if the description contains the quantity of the articles delivered and a physical description of the type of articles delivered, including any other unique

- 1 identifying marks, numbers, names, letters, or special features.
 - 2 (4) The amount of the loan.
 - 3 (5) The date of the transaction.
 - 4 (6) The serial number of the loan.
 - 5 (7) The sum of the interest as provided in section 28 of this
 - 6 chapter and the charge as provided in section 28.5 of this chapter
 - 7 stated as an annual percentage rate computed in accordance with
 - 8 regulations issued by the Federal Reserve Board under the
 - 9 Federal Consumer Credit Protection Act (as defined in
 - 10 IC 24-4.5-1-302).
 - 11 (8) The amount of interest.
 - 12 (9) The amount of charge and principal due at maturity.
 - 13 (10) A copy of sections 28, 28.5, and 30 of this chapter.
 - 14 (11) The date of birth of the pledger.
 - 15 (12) The type of **United States or state** government issued
 - 16 identification used to verify the identity of the pledger, together
 - 17 with the name of the governmental agency that issued the
 - 18 identification, and the identification number present on the
 - 19 **United States or state** government issued identification.
 - 20 (13) The last date on which the pledged article or articles may be
 - 21 redeemed before the article or articles may be sold if the loan is
 - 22 not redeemed, renewed, or extended. The language setting forth
 - 23 the information described in this subdivision must be in 14 point
 - 24 boldface type.
 - 25 (14) A statement that:
 - 26 (A) notifies the pledger that the pawnbroking transaction is
 - 27 regulated by the department; and
 - 28 (B) includes a toll free telephone number for the department.
 - 29 (b) A pawnbroker may insert in such ticket any other terms and
 - 30 conditions not inconsistent with this chapter. However, nothing
 - 31 appearing on a pawn ticket shall relieve the pawnbroker of the
 - 32 obligations to exercise reasonable care in the safekeeping of articles
 - 33 pledged with the pawnbroker."
 - 34 Renumber all SECTIONS consecutively.
- (Reference is to ESB 576 as printed April 3, 2009.)

Representative Walorski